



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: L. Paskar

SERIAL NO.: 09/931,466

FILED: 8/16/2001

FOR: Catheter with Out-of-plane  
Configurations

GROUP ART UNIT: 3762

EXAMINER: M. Bockelman

DOCKET NO.: 74442.01

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Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

**SUMMARY OF CLAIMED SUBJECT MATTER PURSUANT TO 37 CFR 41.37(c)(1)(v)**

In response to the Notice of Non-Compliant Appeal Brief dated April 9, 2007,  
Applicant submits the following Summary of Claimed Subject Matter as permitted by MPEP  
1205.03. This paper is fully responsive to the outstanding Notice.

Applicant notes that pursuant to MPEP 707.07(e) the Examiner has impliedly waived the  
present requirement by not including it in his first Notice of Non-Compliant Brief. Nevertheless,  
in an attempt to move this case toward resolution, applicant is responding to the second Notice.

None of the claims in this case are in means plus function or step plus function form.  
Therefore, the requirement is directed solely to the independent claims in the case, namely  
claims 19, 28, and 29. The subject matter of those claims is shown below, with reference to the

specification by page and line number (e.g., P.2, L.5) and to the drawings by reference characters (e.g., 25).

#### **CONCISE EXPLANATION OF THE SUBJECT MATTER, BY CLAIM**

19. The method of using a combination catheter (31) having a catheter tube (33) and an inner medical element (35), said combination catheter (31) having a proximal end and a distal end, the method comprising:

disposing a catheter tube (33) in a human body, said catheter tube having a distal end portion fixed in a first curve such that the distal end portion of the catheter tube defines a first plane (P-see Fig. 15A);

disposing an inner medical element (35) in the catheter tube (33), said inner medical element (35) having a distal end;

forming the combination catheter (31) into a shape in which the distal end of the combination catheter (31) is disposed substantially out of the first plane for a period of time sufficient to permit medical use of at least one of the catheter tube (33) or the inner medical element (35)(see P.17, LL. 21-23 for a description of medical uses. See also P. 1, L. 15 through P. 2, L. 20, among many places in the specification describing the proposed use of the present invention in medical procedures.).

28. The method of using a combination catheter (31) having a catheter tube (33) and an inner medical element (35), said combination catheter having a proximal end and a distal end, the method comprising:

disposing a catheter tube (33) in a human body, said catheter tube having a distal end portion fixed in a first curve such that the distal end portion of the catheter tube defines a first plane (P-see Fig. 15A);

disposing an inner medical element (35) in the catheter tube (33), said inner medical element having a distal end;

forming the combination catheter (31) into a shape in which the distal end of the combination catheter is disposed substantially out of the first plane for a period of time sufficient to permit medical use of at least one of the catheter tube or the inner medical element (see P.17, LL. 21-23 for a description of medical uses. See also P. 1, L. 15 through P. 2, L. 20, among many places in the specification describing the proposed use of the present invention in medical procedures.); and

proximally fixing the inner medical element (35) against translation and rotation with respect to the catheter tube (33)(proximal fixing is described on P. 16, LL. 10-13 by means of spring clamp 103 or other suitable device).

29. The method of using a combination catheter (31) having a catheter tube (33) and an inner medical element (35), said combination catheter (31) having a proximal end and a distal end, the method comprising:

disposing a catheter tube (33) in a human body, said catheter tube having a distal end portion fixed in a first curve such that the distal end portion of the catheter tube defines a first plane (P-see Fig. 15A);

disposing an inner medical element (35) in the catheter tube (33), said inner medical element having a distal end;

forming the combination catheter (31) into a first shape in which the distal end of the combination catheter is disposed substantially out of the first plane for a period of time sufficient to permit medical use of at least one of the catheter tube (33) or the inner medical element (35)(see P.17, LL. 21-23 for a description of medical uses. See also P. 1, L. 15 through P. 2, L. 20, among many places in the specification describing the proposed use of the present invention in medical procedures.);

proximally fixing the inner medical element (35) against translation and rotation with respect to the catheter tube (33) while the distal end of the combination catheter is disposed substantially out of the first plane (P)(proximal fixing is described on P. 16, LL. 10-13 by means of spring clamp 103 or other suitable device);

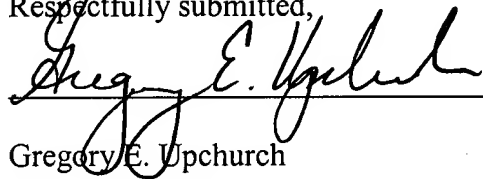
forming the combination catheter (31) into a second shape, different from the first shape, in which the distal end of the combination catheter is disposed substantially out of the first plane for a period of time sufficient to permit medical use of at least one of the catheter tube (33) or the inner medical element (35)(P.17, LL. 12-14 describes forming a “whole family” of these out-of-plane shapes, which of course includes forming a second shape. See also P.18, LL. 7-9 which describes forming “any number of shapes during a single medical procedure”);

proximally fixing the inner medical element (35) against translation and rotation with respect to the catheter tube (33) while the distal end of the combination catheter (31) is disposed in the second shape (proximal fixing is described on P. 16, LL. 10-13 by means of spring clamp 103 or other suitable device).

## CONCLUSION

The above is believed to respond fully to Notice. Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory E. Upchurch", is written over a horizontal line.

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